

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Carole Mickelson on 5/21/2009.

The application has been amended as follows:

Claim 30, Lines 1-10: "An impact head...the cable during" has been deleted and replaced with: --An impact head mounted to a terminal support post of a guardrail and having a cable routing means downstream of an impact face of the impact head, wherein the cable routing means comprises a bar member having a longitudinal axis and at least one cable entry port; wherein at least one cable extends from a fixed point at the terminal end of the guardrail and passes directly through the at least one cable entry port when said bar member is in a first non-cable gripping orientation; and wherein the bar member is pivotally mounted within the impact head such that upon rotation of said bar member through at least substantially 90 degrees about said longitudinal axis, a second cable-gripping orientation is reached which provides a cable routing means forming a tortuous path through which the at least one cable is threaded, wherein the

tortuous path itself provides sufficient frictional resistance to movement of the at least one cable during--.

Claim 38, Lines 1-7: "A guardrail including...of the cable" has been deleted and replaced with: --A guardrail comprising: a plurality of support posts; a plurality of rails connected to the plurality of support posts; at least one cable wherein at least one end of the cable is fixed at a terminal end of the guardrail; an impact head mounted to a terminal support post of the guardrail and having a cable routing means downstream of an impact face of the impact head, wherein the cable routing means comprises a bar member having a longitudinal axis and at least one cable entry port; wherein the at least one cable extends from the fixed point at the terminal end of the guardrail and passes directly through the at least one cable entry port when said bar member is in a first non-cable gripping orientation; and wherein the bar member is pivotally mounted within the impact head such that upon rotation of said bar member through at least substantially 90 degrees about said longitudinal axis, a second cable-gripping orientation is reached which provides a cable routing means forming a tortuous path through which the at least one cable is threaded, wherein the tortuous path itself provides sufficient frictional resistance to movement of the at least one cable--

Claims 32, 49, 52 and 53 have been cancelled.

Claim 33, Line 2: "32" has been changed to --30--.

Claim 34, Line 2: "32" has been changed to --30--.

Claim 35, Line 2: "32" has been changed to --30--.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In drawing sheet filed on 5/6/2009, Figure 5 has been included on the sheet to be considered a "Replacement Sheet".

Further --Figure-- has been included before "6a" and "6b".

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims is that the prior art of record neither teaches nor suggests the inclusion of the limitation of an impact head mounted to a terminal support post of a guardrail and having a cable routing means downstream of an impact face of the impact head, wherein the cable routing means comprises a bar member having a longitudinal axis and at least one cable entry port; wherein at least one cable extends from a fixed point at the terminal end of the guardrail and passes directly through the at least one cable entry port when said bar member is in a first non-cable gripping orientation; and wherein the bar member is pivotally mounted within the impact head such that upon rotation of said bar member through at least substantially

90 degrees about said longitudinal axis, a second cable-gripping orientation is reached which provides a cable routing means forming a tortuous path through which the at least one cable is threaded, wherein the tortuous path itself provides sufficient frictional resistance to movement of the at least one cable during impact of a force to facilitate impact energy dissipation (Claims 30 and 38). The closest prior art of record, Rambaud and Bronstad taken as a whole, disclose a fence system significantly as claimed, but does not provide any teaching, suggestion, or motivation to modify the prior art as such. There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA T. KENNEDY whose telephone number is (571)272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua T. Kennedy/  
Examiner, Art Unit 3679  
5/25/2009

/Daniel P. Stodola/  
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